

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of:

Review of the Section 251 Unbundling  
Obligations for Incumbent Local Exchange  
Carriers

CC Docket No. 01-338

**SBC'S COMMENTS ON VERIZON'S PETITION FOR FORBEARANCE**

SBC supports Verizon's Petition requesting that the Commission forbear from compelling access to broadband functionalities pursuant to section 271. The bases for SBC's support are set forth in detail in its own Petition for Forbearance, filed on November 6, 2003—and in SBC's Comments and Reply Comments filed on September 3<sup>rd</sup> and 18<sup>th</sup> 2002, in response to Verizon's original Petition for Forbearance. Rather than repeat those arguments here, SBC hereby attaches copies of its Petition for Forbearance, its Comments and its Reply Comments.

As the Commission has repeatedly held, competition, not government regulation, best protects consumers. A determination that an element need not be unbundled under section 251 necessarily reflects a determination that the element is suitable for competitive supply. Moreover, as the D.C. Circuit has held, unbundling in such a circumstance affirmatively harms the public interest because it imposes substantial costs on society, including disincentives to invest, without any counterbalancing benefits to competition. That is especially true for broadband. Any decision to require broadband unbundling under section 271 would be directly

contrary to the statutory goal of section 706 of the Act to facilitate the widespread deployment of broadband technologies. Accordingly, the Commission should grant Verizon's Petition for Forbearance as well as SBC's Petition for Forbearance.

Respectfully submitted,

/s/ Jim Lamoureux

Jim Lamoureux  
Christopher M. Heimann  
Gary L. Phillips  
Paul K. Mancini

SBC COMMUNICATIONS INC.  
1401 Eye Street, N.W., Suite 400  
Washington, D.C. 20005  
(202) 326-8895 – Voice  
(202) 408-8745 – Facsimile

Its Attorneys

November 17, 2003

# **ATTACHMENTS**